



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,859	11/06/2001	Sophie Vanpouille	Q66965	4452

7590 08/22/2003

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

BERMAN, SUSAN W

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 08/22/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,859

Applicant(s)

VANPOULLE ET AL.

Examiner

Susan W Berman

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1711

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1-2 it is not clear whether applicant intends to claim a "coating", a coating composition comprising a partly crosslinked polymer or a coated optical fiber. A coating, by definition, comprises a cured composition applied to a substrate. There is no antecedent basis in claim 1 for the "single resin" recited in claim 2. With respect to claims 2 and 3, it is not clear how a "single resin" can be composed of a multifunctional monomer and an oligomer. Does applicant intend to claim a composition comprising the monomer and oligomer or a product obtained by polymerizing the monomer and oligomer or some other resin? With respect to claim 4, it is not clear what is meant by "evaporated before without being completely cured".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1711

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garito et al (5,729,645) in view of Matsumura et al (5,425,122). Garito et al disclose optical fibers having graded index profiles wherein the glass fiber is coated with an inner core and an outer core wherein the outer core has a refractive index that decreases smoothly from the boundary of the inner core to the boundary of the outer core and a cladding layer (column 2, lines 35-58). See column 3, lines 61-65, column 9, lines 8-55, column 11, lines 8-39. Matsumura et al teach providing a continuous refractive index distribution by crosslinking a polymer having a continuous refractive index gradient and having a crosslinkable functional group. See column 3, lines 46-56, column 4, line 10, to column 5, line 37, column 7, lines 3-19 and lines 38-44, and Example 2.

Garito et al teach that the graded index profile in polymeric cores coating a glass fiber can be achieved by photocopolymerization, multi-stage copolymerization, etc. Matsumura et al teach a method of copolymerizing multifunctional monomers to provide a polymer having a continuous refractive index gradient distribution in a method wherein the monomers are polymerized without reaction of the functional groups and the functional groups are later crosslinked. It would have been obvious to one skilled in the art at the time of the invention to provide the polymeric outer core taught by Garito et al using the method and monomers taught by Matsumura et al in analogous art. Garito et al provided motivation by teaching that polymeric cores coating a glass fiber can be achieved by photocopolymerization, multi-stage copolymerization, etc. Matsumura et al provide motivation by teaching that copolymerization of the disclosed multifunctional monomers provides a polymer having a continuous refractive index gradient and crosslinkable functional groups that can be crosslinked. The method and compositions disclosed would be expected to provide an increase in the level of crosslinking from the internal surface of the coating to the external surface of the coating.

Art Unit: 1711

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Koike (5,541,247) and Koike et al (5,253,323).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 703 308 0040. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9310 for regular communications and 703 872 9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

Susan W Berman
Primary Examiner
Art Unit 1711



SB
August 13, 2003